



# Public Notice

**Applicant:**  
Town of Hume

**Date:**  
**Published:** November 26, 2003  
**Expires:** December 25, 2003

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

Buffalo District **CELRB-TD-R RE:** 2003-00666(0) **Section:** NY 404

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Town of Hume, 20 North Genesee Street, Filmore, New York, proposes to establish a gravel mining operation with an approximately 3000 lineal foot reach of Cold Creek within between Claybed Road and State Route 19 in the Town of Hume, Allegany County, New York. The project purpose is to reestablish a historic channel and floodplain capacity following a 1998 flood event which caused the creek to leave its banks and reroute itself through a wildlife pond constructed by an adjacent property owner.

The project consists of the following:

- a. A total of 17,000 cubic yards of material will be removed from the affected reach over the life of the mine. This material is largely within accumulated sand and gravel deposits and outside of the existing stream channel. The accumulated gravel will be removed from the floodplain to an elevation 2 feet above the proposed channel bottom utilizing rubber tired loaders, trucks and bulldozers.
- b. A pilot channel will be established along the proposed meandering centerline and the main creek flow maintained in this channel during excavation of the remaining materials. Gravel deposition areas will be removed as they may reoccur in order to maintain the channel. The existing channel into the pond area will be filled to prevent the stream from entering old adjacent pond site. Tree veins in a Bendway weir configuration will be utilized to prevent the stream from reentering this location. Streamco willows will be planted to augment this protection.
- c. Useable materials will be stockpiled at the identified location, unuseable oversize and stumps or other debris will be stockpiled above the 100 year floodplain or appropriately disposed outside of the 100 year floodplain.
- d. The haulageway will be a gravel access along the north edge and floodplain of the deposition being removed.

The mining method will be to remove the majority of the deposition from the floodplain and then establish the final channel configuration

which will follow a series of gentle meanders, similar to the historic condition of the base flow channel, in order to improve stability of the new channel location. The gradient of the channel bottom will be approximately 0.5% with a slightly parabolic bottom width of 40 feet and 4:1 side slopes. Bioengineering will be utilized to control erosion where practical.

The applicant's stated purpose is to reestablish the historic channel configuration and flood plain capacity, while reducing ongoing erosion in the area.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil)

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Steven V. Metivier, or by e-mail at: [steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the

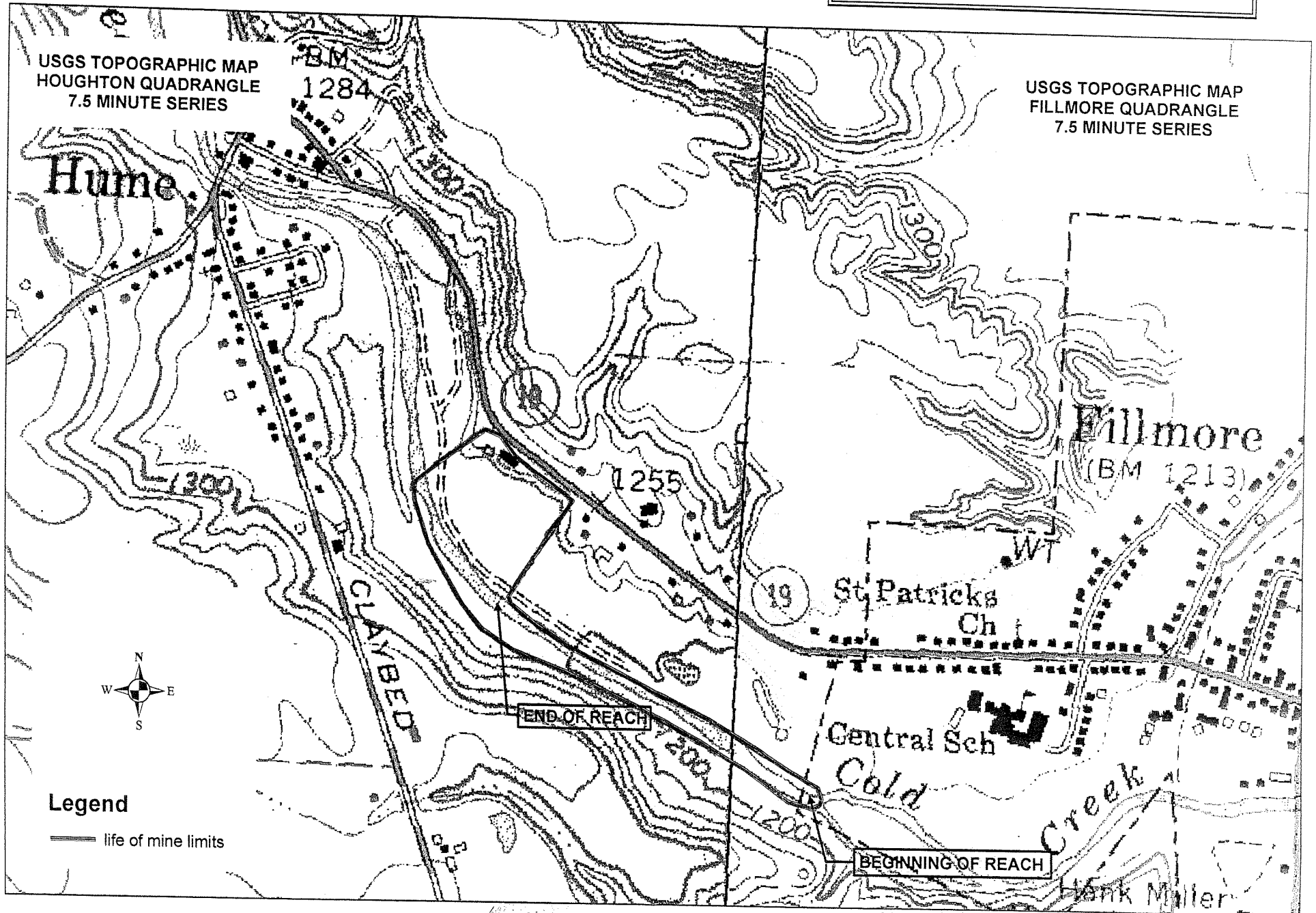
proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

  
for Thomas C. Switala  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

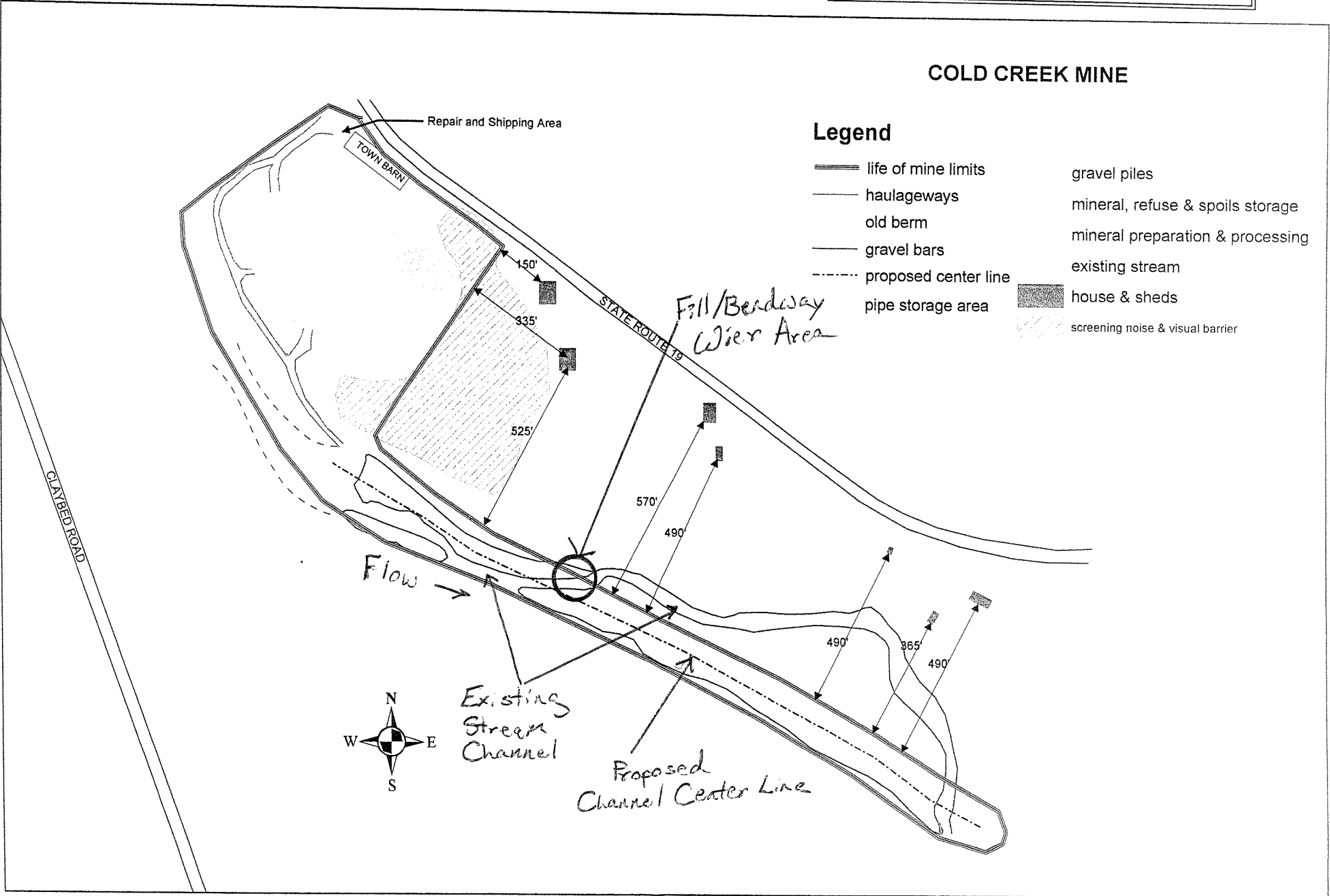
HUME, TOWN OF  
D/A Processing No. 2003-00666(0)  
Allegany County, New York Quad: FILLMORE  
Sheet 1 of 6



COLD CREEK MINE

Legend

- |                            |                                  |
|----------------------------|----------------------------------|
| — life of mine limits      | gravel piles                     |
| — haulageways              | mineral, refuse & spoils storage |
| — old berm                 | mineral preparation & processing |
| — gravel bars              | existing stream                  |
| - - - proposed center line | house & sheds                    |
| — pipe storage area        | screening noise & visual barrier |

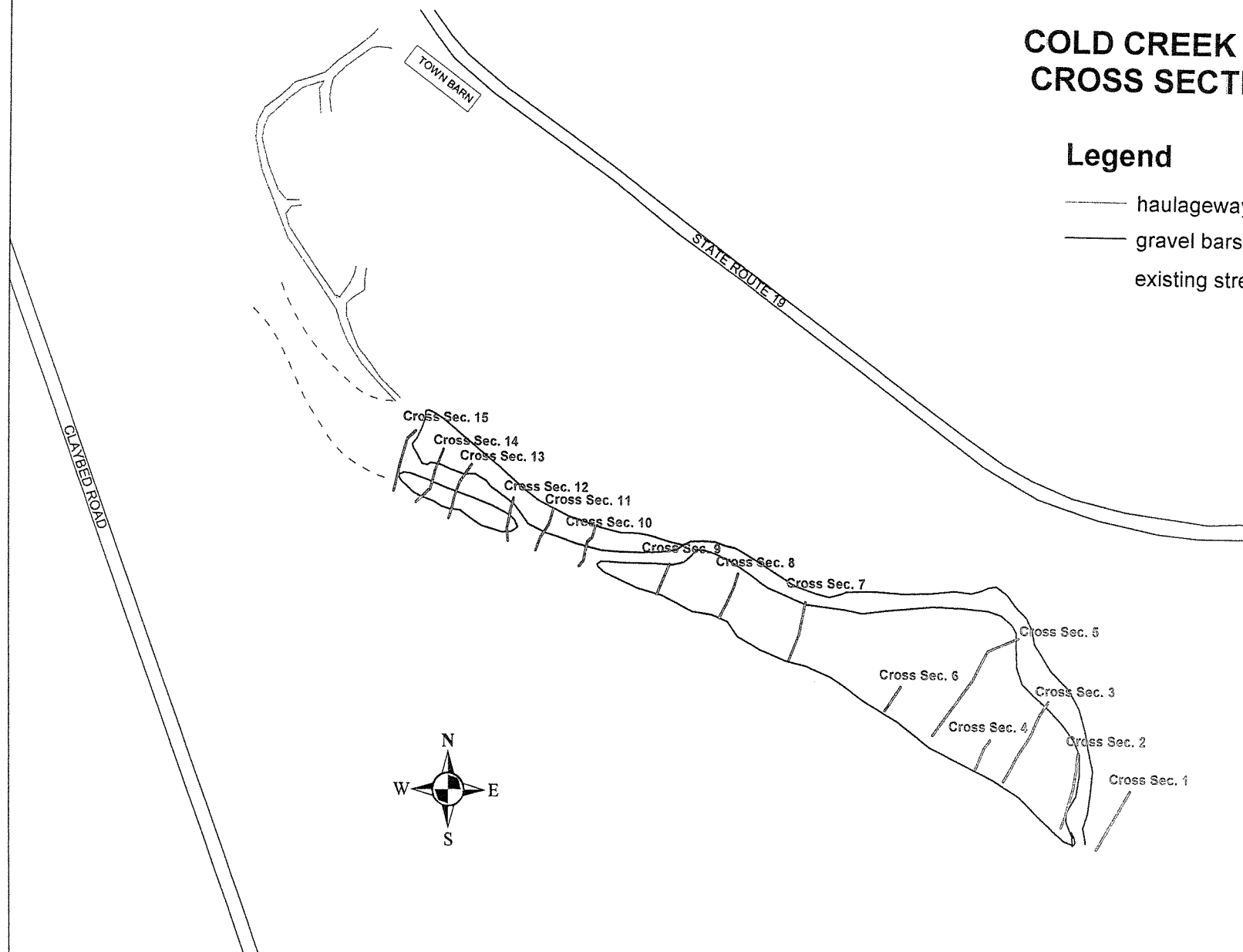


HUME, TOWN OF  
D/A Processing No. 2003-00666(0)  
Allegany County, New York Quad: FILLMORE  
Sheet 3 of 6

## COLD CREEK MINE CROSS SECTIONS

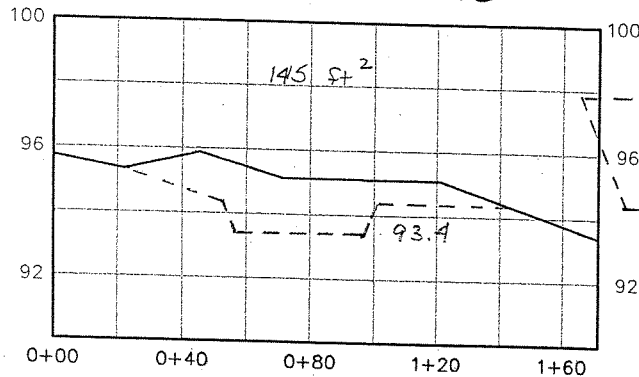
### Legend

- haulageways
- gravel bars
- existing stream

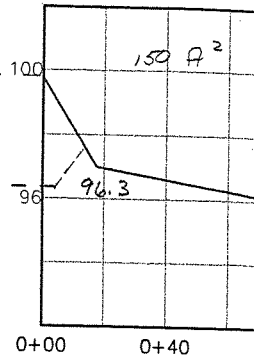


HUME, TOWN OF  
D/A Processing No. 2003-00666(0)  
Allegany County, New York Quad: FILLMORE  
Sheet 4 of 6

Cross Section 1@ 0+50

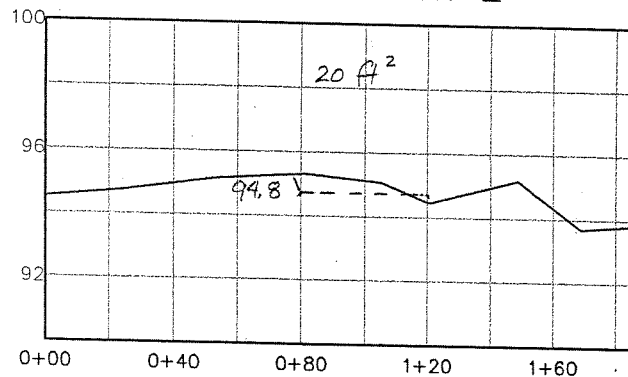


Cross Section 4@ 4+40

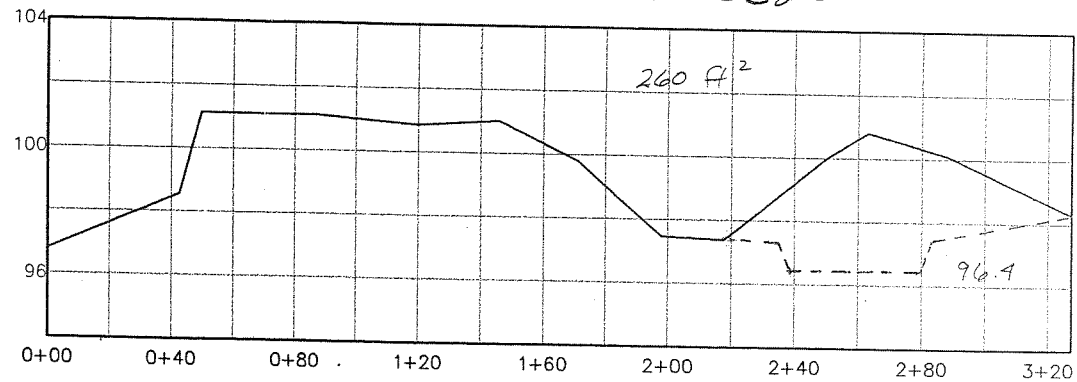


----- proposed cut

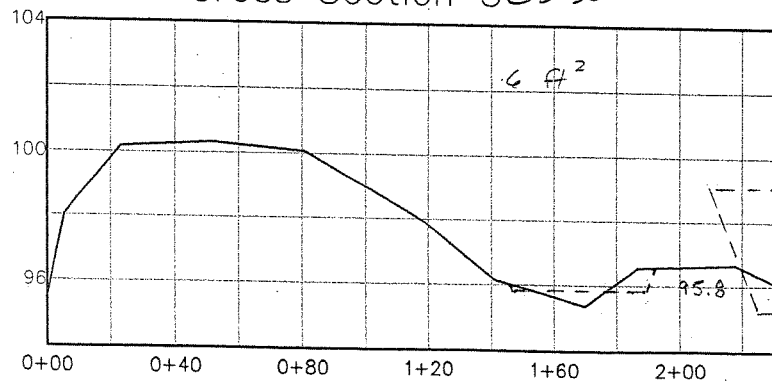
Cross Section 2@ 1+70



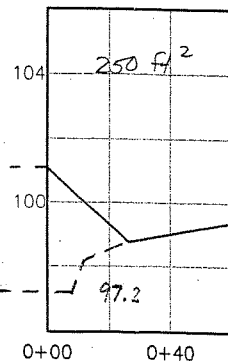
Cross Section 5@ 5+60



Cross Section 3@ 3+50



Cross Section 6@ 6+95



Designed 1.0  
Drawn FWP  
Checked APS  
Approved

X-Sections  
Cold Creek  
Twn. of Hume  
Allegany

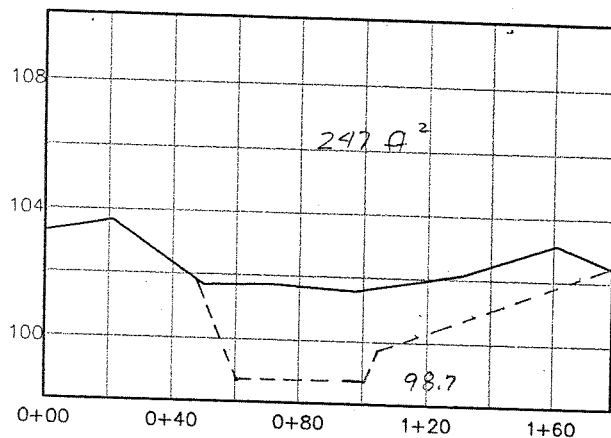
**NRCS**  
Natural Resources Conservation Service  
United States Department of Agriculture

Program Code:

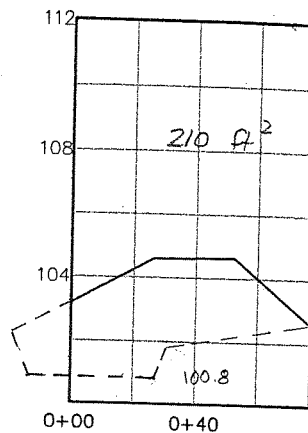
Job Class:

HUME, TOWN OF  
 D/A Processing No. 2003-00666(0)  
 Allegany County, New York Quad: FILLMORE  
 Sheet 5 of 6

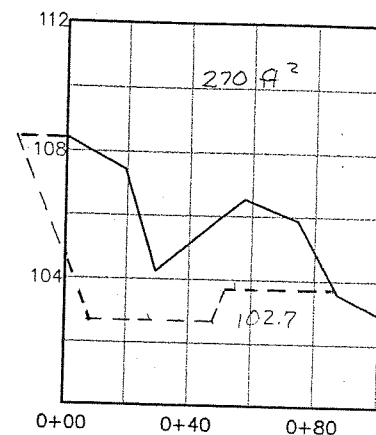
Cross Section 7@9+80



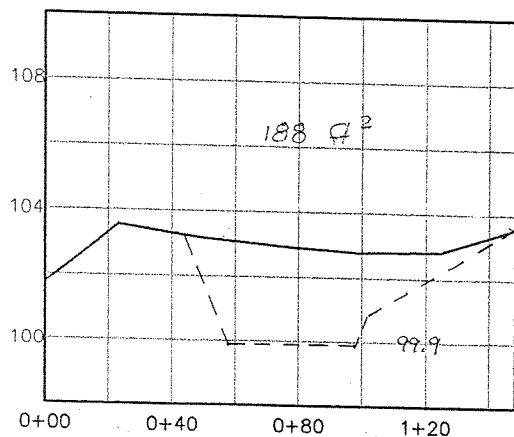
Cross Section 9@13+70



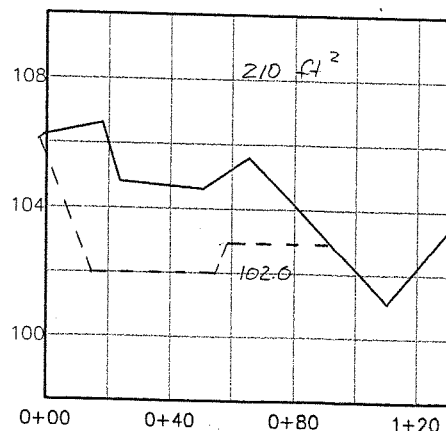
Cross Section 11@17+00



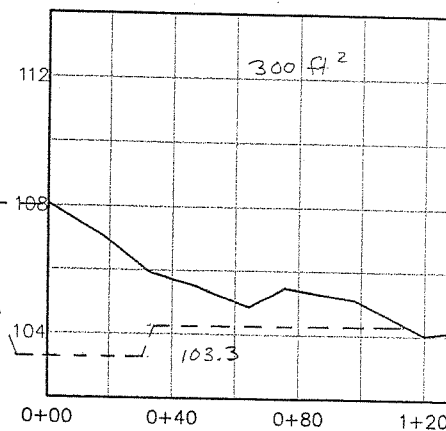
Cross Section 8@11+90



Cross Section 10@15+80



Cross Section 12@18+20



----- proposed cut

Date 1/02  
 Drawn FWP  
 Checked [Signature]  
 Approved [Signature]

X-Sections  
 Cold Creek  
 Twn. of Hume  
 Allegany

NRCS  
 Natural Resources Conservation Service  
 United States Department of Agriculture

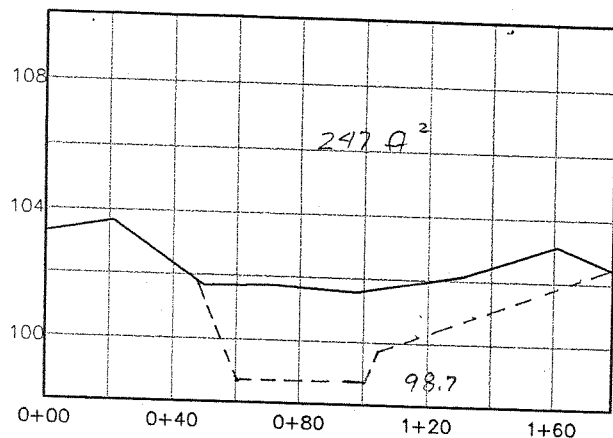
Program Code

Job Class

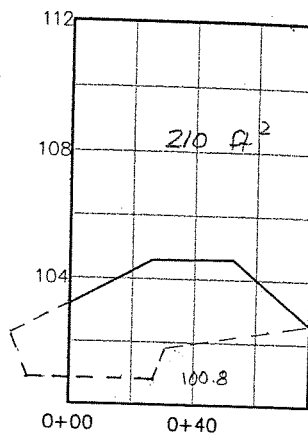


HUME, TOWN OF  
D/A Processing No. 2003-00666(0)  
Allegany County, New York Quad: FILLMORE  
Sheet 5 of 6

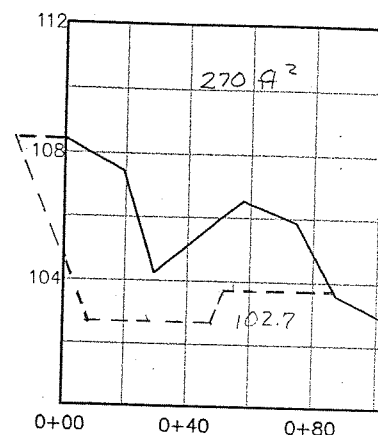
Cross Section 7@9+80



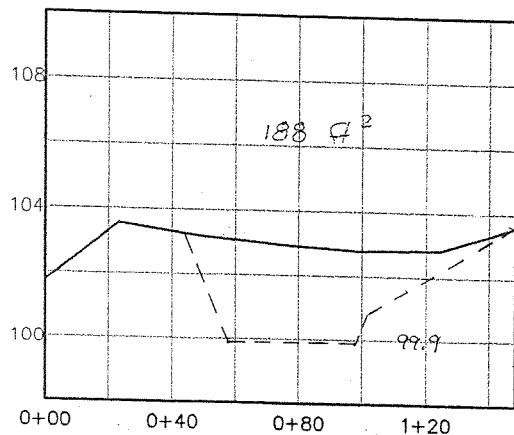
Cross Section 9@13+70



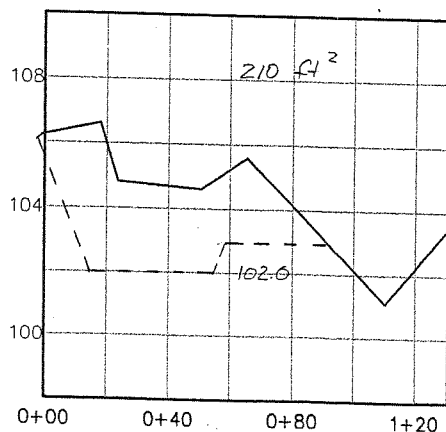
Cross Section 11@17+00



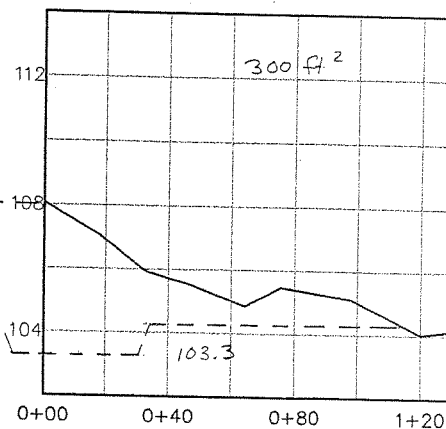
Cross Section 8@11+90



Cross Section 10@15+80



Cross Section 12@18+20



----- proposed cut

Designed 10.1.03  
Drawn FWP  
Checked JPS  
Approved 1/03

X-Sections  
Cold Creek  
Twn. of Hume  
Allegany

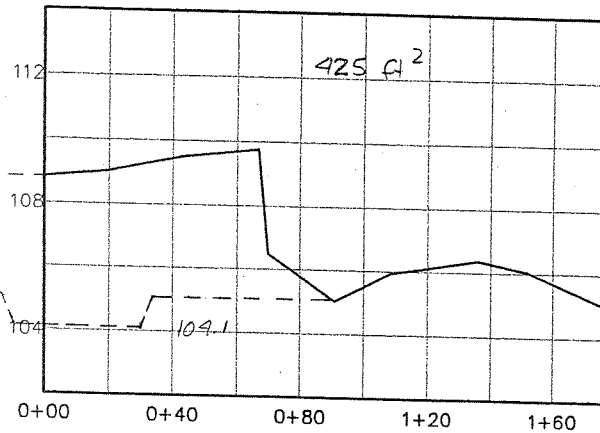
**NRCS**  
Natural Resources Conservation Service  
United States Department of Agriculture

Program Code

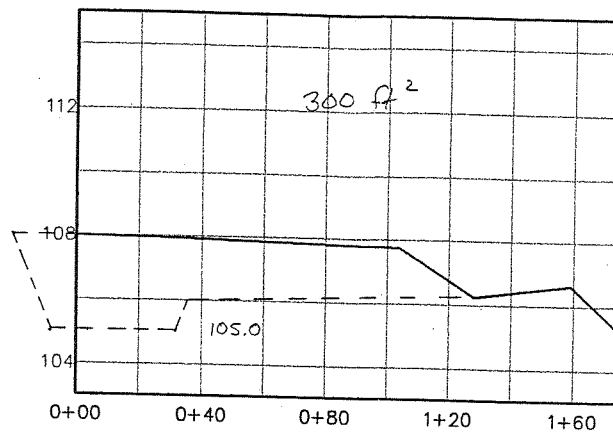
Job Class

HUME, TOWN OF  
D/A Processing No. 2003-00666(0)  
Allegany County, New York Quad: FILLMORE  
Sheet 6 of 6

Cross Section 13 @ 19+55

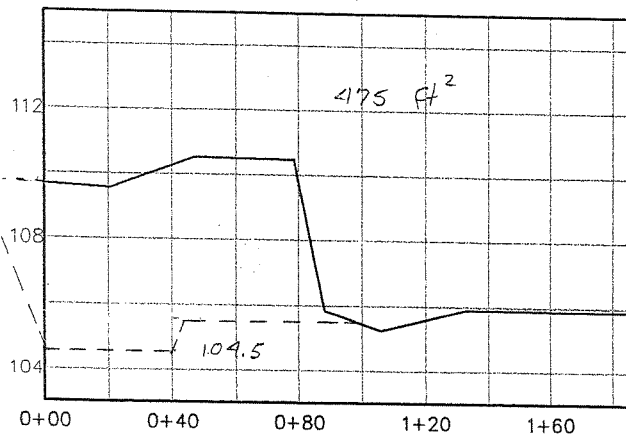


Cross Section 15 @ 21+20



----- proposed cut

Cross Section 14 @ 20+30



Date 1/03  
Designed J.O.  
Drawn FWP  
Checked JPS  
Approved JPS

X-Sections  
Cold Creek  
Twn. of Hume  
Allegany

**NRCS**  
Natural Resources Conservation Service  
United States Department of Agriculture

Program Code:

Job Class